

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JAMES STEVENS *et al.*,

Plaintiffs,

v.

3 SQUARES DINER LLC,

Defendant.

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CASE NO.: 7:24-CV-27 (WLS)

ORDER

On September 20, 2024, the Parties filed a Joint Stipulation Extending Time to Which Plaintiff May Raise Discovery Issues (“Doc. 20”). As provided in the Scheduling/Discovery Order entered on July 17, 2024:

Unless extended by the Court upon a showing of good cause by either party upon timely written motion, all motions made under Rule 37 must be filed **within twenty-one days of the date on which the response(s) was due, or twenty-one days of receipt of an allegedly inadequate response or other alleged violation of Rule 37, and no later than twenty-one days after the close of discovery**, whichever first occurs. The parties may forego a formal motion and instead, timely request a phone conference with the Court to address the matter. In that event, the Courtroom Deputy will be contacted and a date and time for the conference will be determined. The parties shall provide the Court with a statement of the issue(s) and a concise statement of each party’s position prior to the hearing **by close of business on the last business day prior to the conference**. A party may comply with a single filing on behalf of all parties.

(Doc. 13 at 2).

The Parties, as such, may not extend the time to file a motion under Rule 37 by stipulation. Instead, the deadline may be extended only “upon a showing of good cause by either party upon timely written motion.”(*Id.*) The Court construes the stipulation as such a motion. However, the stipulation contains no information upon which the Court could base a finding of good cause. Accordingly, the stipulation is not accepted, and the motion (Doc.

20), as construed, is **DENIED-WITHOUT-PREJUDICE**. The Parties may resubmit their filing as a joint motion showing good cause.

SO ORDERED, this 23rd day of September 2024.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT